

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

VICKI TIMPA, ET AL.

Plaintiffs,

VS.

THE CITY OF DALLAS, ET AL.

Defendants.

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CIVIL ACTION NO. 3:16-cv-03089-N

**APPENDIX IN SUPPORT OF MOVANT DALLAS COUNTY DISTRICT
ATTORNEY'S OFFICE ON BEHALF OF DR. EMILY OGDEN'S MOTION FOR
PROTECTIVE ORDER AND MOTION OT STAY UNDER FED.R.CIV.P. 26(c)
AND BRIEF IN SUPPORT**

**FAITH JOHNSON
DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS**

**ASHLEY D. FOURT, ASSISTANT DISTRICT ATTORNEY
TEXAS BAR NO. 00792096
CIVIL DIVISION
411 ELM STREET, FIFTH FLOOR
DALLAS, TX 75202
(214) 653-7358
(214) 653-6134 (FAX)**

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<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1.	Affidavit of George B. Lewis, II executed September 25, 2017	4
2.	SWIFS fee schedule, approved by Dallas County Commissioners Court on September 9, 2014	6

Respectfully submitted,

FAITH JOHNSON
District Attorney
Dallas County, Texas

/s/ Ashley D. Fourt
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ATTORNEY FOR MOVANT
DALLAS COUNTY DISTRICT ATTORNEY
ON BEHALF OF DR. EMILY OGDEN

CERTIFICATE OF SERVICE

In accordance with the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been electronically served upon all parties.

Dated: September 26, 2017

/s/ Ashley D. Fourt
ASHLEY D. FOURT

AFFIDAVIT OF GEORGE B. LEWIS, II.

STATE OF TEXAS §

COUNTY OF DALLAS §


Before me, the undersigned notary, on this day, personally appeared GEORGE B. LEWIS, II., a person whose identity is known to me. After I administered an oath to him, upon his oath he said:

I am an Assistant District Attorney employed by the Dallas County District Attorney's Office. I am the Chief of the Civil Rights Division of the District Attorney's Office. I am the prosecutor assigned to investigate the facts and circumstances surrounding the death of Anthony Alan Timpa. ("Timpa") and present this case to the Dallas County Grand Jury.

Timpa died while in the custody of the Dallas Police Department (DPD) on August 10, 2016. As is routine, DPD conducted its own internal investigation of this incident and presented its findings to this Office in December 2016. However, in anticipation of presentation to a Dallas County Grand Jury, this Office conducted its own independent investigation into the death of Timpa. These investigations often take months to fully investigate; and includes re-interviewing all parties and witnesses, consulting with experts in various fields and investigating any unforeseen matter, claim or defense that may come to the attention of this Office that warrants further review and investigation. Although, I expected this case to go before the grand jury sooner, unexpected circumstances arose that delayed the presentation to the grand jury. During this investigation, additional information was brought forward to this Office by the father of

Timpa that required further investigation of this incident. Specifically, the father of Timpa retained a forensic pathologist to review the evidence in this case and render an opinion regarding cause of death. At this time, this Office's investigation is nearly complete and I expect to present this case to a Dallas County Grand Jury by October or November of 2017.

Dr. Emily Ogden is a central witness to the cause and manner of Timpa's death and her testimony will likely be presented to the Dallas County Grand Jury. Discovery in state criminal cases is limited and even more so, pre-indictment. Allowing Dr. Ogden's deposition to proceed before she has testified before the Dallas County Grand Jury in the parallel criminal proceeding would undoubtedly prejudice the State and may influence the jury pool by making public only that information that benefits a particular side.



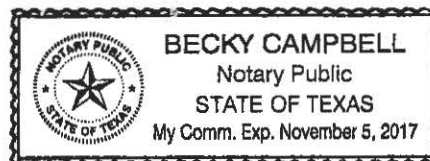
GEORGE B. LEWIS, II.

SWORN TO and **SUBSCRIBED** before me by GEORGE B. LEWIS, II., on September 25th, 2017.

Notary Public in and for
the State of Texas

My commission expires: 11-5-17





**COURT ORDER
2014-1201**



Southwestern Institute of Forensic Sciences Proposed FY15 Fee Schedule Revisions

On a motion made by Commissioner Dr. Elba Garcia, District 4, and seconded by Commissioner Dr. Theresa M. Daniel, District 1, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 9/2/2014
FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby approve the revised Southwestern Institute of Forensic Sciences fee schedule with an effective date of October 1, 2014.

Done in open court September 9, 2014, by the following vote:

IN FAVOR: Honorable Clay Lewis Jenkins, County Judge
Commissioner Dr. Theresa M. Daniel, District 1
Commissioner Mike Cantrell, District 2
Commissioner John Wiley Price, District 3
Commissioner Dr. Elba Garcia, District 4

OPPOSED: None

ABSTAINED: None

ABSENT: None

Recommended by: Dr. Jeffrey Barnard
Originating Department: Forensics



Dallas County
Southwestern Institute of Forensic Sciences

2355 N. Stemmons Fwy
Dallas, TX 75207
214.920.5900

Office of the Medical Examiner Service Fees

Code	Service Description	Fee
3312 1000	Autopsy - Level I	2050
3312 1007	Autopsy - Level II	2500
3312 1001	External Examination	1050
3312 1004	Autopsy - Level 1: 10/01/09 - 09/30/14	1950
3312 1010	Autopsy - Level II: 10/01/09 - 09/30/14	2350
3312 1005	External Examination - 10/01/09 - 09/30/14	1000
3312 1002	Expert Witness(hearing, trial)-criminal case/per 1/2 day	725
3312 1008	Expert Consult (case review, meeting) -criminal case/per hour	200
3312 1009	Expert Witness (deposition, hearing, trial) - civil or non-IFS case/per hour	525
3312 1003	Expert Consult (case review, meeting) -civil or non-IFS case/per hour	375
3312 1006	Photomicroscopy of Tissue Specimens/per hour	55
3312 1200	Autopsy/External Examination Report-Notarized Copy	15
3312 1201	Autopsy/External Examination Report-Copy	5
3312 1202	Cremation Certificate	25
3312 1203	Interrogatory/response	25
3312 1204	Proof of Death Certificate	5
3312 1205	Cause of Death form	5
3312 1206	Non-Contagious Disease Certification letter	20
3312 1207	Affidavit	10
3312 1208	Death Certificate/OME portion, Replacement	20
3312 1209	Copy charge-miscellaneous/per page	0.10
3312 1210	DVD/CD copy charge	1
3312 1301	Color print from slide - 8" x 10"	7
3312 1307	X-ray duplication	10
3312 1400	Histology/recut/H&E stain/per slide	5
3312 1402	Histology/recut/special stain/per slide	20
3312 1500	Evidence Shipping/Destruction/per package	32
3312 1501	Crash bag/body bag replacement	25
3312 1502	Use of Institute facilities	128
3312 1503	Indigent cremation – adult reimbursement	500
3312 1507	Indigent cremation – infant/skeletonized reimbursement	125
3312 1508	Indigent burial – adult reimbursement	1920
3312 1509	Indigent burial – infant/skeletonized reimbursement	660
3312 1504	Support staff services/per hour	15
3312 1505	Mileage/per diem reimbursement (IFS staff travel for other jurisdictions)/per unit	1
3312 1506	Reimbursement - external agency services/per unit	1

Payment is required in advance (two hours minimum) for all services provided to private attorneys and any costs in excess of the minimum are payable at the time service is rendered. At the discretion of the Director, payment may be required before any service is rendered.



Dallas County
Southwestern Institute of Forensic Sciences

2355 N. Stemmons Fwy
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214.920.5900

Criminal Investigation Laboratory Service Fees (all Sections)

Code	Service Description		Fee
3311	7700	Expert Witness(hearing, trial)-criminal case/per 1/2 day	425
3311	7702	Expert Consult (case review, meeting) -civil or non-IFS case/per hour	225
3311	7703	Expert Witness (deposition, hearing, trial) - civil or non-IFS case/per hour	325
3311	7706	Expert Consult (case review, meeting) -criminal case/per hour	100
3311	7708	Support staff services/per hour	15
3311	7709	Evidence Registration/per case	27
3311	7710	Evidence Processing and Shipping/per service/per package	32
3311	7711	Specimen/Materials Storage /per year	60
3311	7712	Response to Interrogatories/per 1/2 hour	33
3311	7713	Duplication charge/Scientist/per 1/2 hour	33
3311	7714	Certified copy of lab report	15
3311	7715	Copy Charge-Miscellaneous/per page	0.10
3311	7716	Affidavit	10
3311	7717	Use of Institute facilities	128
3311	7718	Evidence photography/per 1/2 hour	33
3311	7728	DVD/CD Copy charge	1
3311	7720	Color print from slide - 8" x 10"	7
3311	7726	Mileage/per diem reimbursement (IFS staff travel for other jurisdictions)/per unit	1
3311	7727	Reimbursement - external agency services/per unit	1

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**Dallas County**
Southwestern Institute of Forensic Sciences2355 N. Stemmons Fwy
Dallas, TX 75207
214.920.5900***Toxicology Laboratory Service Fees***

Code		Service Description	Fee
3311	2001	Drug Screen/Acidic Neutral	81
3311	2002	Drug Screen/Alkaline	81
3311	2003	Alcohols/Acetone	26
3311	2004	Solvents/Volatiles	85
3311	2005	Opiate Narcotics (GC/MS)	85
3311	2006	Cannabinoid Screen	34
3311	2007	Legal Alcohol/Analysis and Affidavit	44
3311	2009	Drug Abuse Screen/additional drug	6
3311	2016	Gas Chromatography/Mass Spectrometry	85
3311	2018	Volatile Drugs (Valproic Acid, etc.)	51
3311	2021	Infrared Spectroscopy	79
3311	2024	Benzodiazepines (GC/MS)	85
3311	2025	Marihuana/Cannabinoids (GC/MS or LC/MS)	85
3311	2026	Cocaine and Metabolites (GC/MS or LC/MS)	85
3311	2027	Acetaminophen Quantitation	51
3311	2034	Carbon Monoxide	34
3311	2036	Gamma-hydroxybutyric acid (GHB)	85
3311	2044	Ethylene Glycol	66
3311	2060	Other Analytical-Special Services/half hour	34
3311	2068	Salicylates	53
3311	2076	Vitreous Humor Electrolytes	40
3311	2086	pH	26
3311	2094	Immunoassay	34
3311	2097	Drug Screen	195
3311	2017	Fentanyl	85
3311	2020	Liquid Chromatography/Mass Spectrometry	85

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**Dallas County****Southwestern Institute of Forensic Sciences**2355 N. Stemmons Fwy
Dallas, TX 75207
214.920.5900***Drug Analysis Laboratory Service Fees***

Code		Service Description	Fee
3311	2302	Exploratory Qualitative	25
3311	2303	Sample Preparation	32
3311	2304	Infrared Spectroscopy	79
3311	2305	Gas Chromatography/Mass Spectrometry	85
3311	2306	Thin Layer Chromatography	79
3311	2307	Quantitative Analysis	73
3311	2308	Marihuana/Cannabinoids	46
3311	2309	Marihuana Seed Germination	34
3311	2311	Other Analytical-Special Services/half hour	34
3311	2312	Tentative Identification	25
3311	2313	Liquid Chromatography/Mass Spectrometry	85

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**Breath Alcohol Technical Supervisor Service Fees**

Code		Service Description	Fee
3313	2600	Basic Service (in County)	850
3313	2601	Basic Service (out-of-County)	1,000
3313	2602	Additional Instrument/ Instrument	75
3313	2603	Repair Part Reimbursement	1
3313	2604	Supply Reimbursement	1
3313	2605	Other Analytical-Special Services/half hour	33
3313	2700	Expert Witness(hearing, trial)-criminal case/per 1/2 day	425
3313	2702	Expert Consult (case review, meeting) -civil or non-IFS case/per hour	225
3313	2703	Expert Witness (deposition, hearing, trial) - civil or non-IFS case/per hour	325
3313	2720	Expert Witness - ALR Hearing/per hour	325
3313	2706	Expert Consult (case review, meeting) -criminal case/per hour	100
3313	2708	Support staff services/per hour	15
3313	2709	Evidence Processing and Shipping/per service/per package	32
3313	2710	Response to Interrogatories/per 1/2 hour	33
3313	2721	Response to Interrogatories - ALR/per 1/2 hour	33
3313	2711	Duplication charge/Scientist/per 1/2 hour	33
3313	2712	Certified copy of lab report	15
3313	2713	Copy Charge-Miscellaneous/per page	0.10
3313	2714	Affidavit	10
3313	2715	Use of Institute Facilities	128
3313	2716	Evidence photography/per 1/2 hour	33
3313	2717	Mileage/per diem reimbursement (IFS staff travel for other jurisdictions)/per unit	1
3313	2718	Reimbursement - external agency services/per unit	1
3313	2719	CD/DVD copy	1

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214.920.5900

Physical Evidence Laboratories Service Fees

Physical Evidence - All Laboratories

Code		Service Description	Fee
3311	3100	Physical Match/Fit (All PES Units)	41
3311	3101	Photography for Court/Demonstration (All PES Units)/per half hour	33
3311	3102	Evidence Documentation for Court/Demonstration (All PES Units)	67
3311	3103	Other Analytical-Special Services/half hour	33
3311	3104	Archived Evidence Research/per hour	67
3311	3105	Crime Scene Processing/hour	67

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Dallas County
Southwestern Institute of Forensic Sciences

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Dallas, TX 75207
214.920.5900

Physical Evidence Laboratories Service Fees
Firearms/Toolmarks

Code		Service Description	Fee
3311	3401	General Rifling Characteristics File Search/per item	33
3311	3403	Mechanical Evaluation of Weapon/per item	67
3311	3404	Test Fire/per item	17
3311	3406	Restoration of Firearm for Test Firing/per item	81
3311	3407	Serial Number Restoration/per item	67
3311	3412	Toolmark Replication/per test mark	33
3311	3413	Toolmark Comparison/per item	67
3311	3414	Chronograph/Special Testing/per hour	67
3311	3415	Bullet Identification/per item	33
3311	3416	Cartridge Case Identification/per item	33
3311	3417	Microscopic Comparison of Bullet	67
3311	3418	Microscopic Comparison of Cartridge Case/per item	67
3311	3419	Blood Evidence Search/per specimen/per item	33
3311	3420	Test Firing for Distance Determination/hour	67
3311	3421	Trace Evidence Collection/per item	33
3311	3423	Sodium Rhodizonate/Greiss Test for GSR/per defect	76
3311	3424	Microscopic Search for GSR/per defect	41
3311	3425	Range Determination by Test Fire/per hour	67

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**Dallas County****Southwestern Institute of Forensic Sciences**2355 N. Stemmons Fwy
Dallas, TX 75207
214.920.5900**Physical Evidence Laboratories Service Fees**
Trace Evidence Laboratory

Code		Service Description	Fee
3311	3500	Trace Evidence Collection from Bodies/per hour	67
3311	3501	Evidence Search/Removal/per item	41
3311	3502	Examination of Hair Combing for Foreign Material/per hour	67
3311	3503	Identification of Unusual Features/per item	75
3311	3504	Microscopic Examination/Comparison of Hairs/per hour	67
3311	3505	Microscopic Examination/Comparison of Fibers/per hour	67
3311	3506	Fiber Identification/per hour	67
3311	3507	Microspectrophotometry/per sample	103
3311	3509	Fourier Transform IR/Microscopy Analysis/per sample	103
3311	3510	Fourier Transform IR/General Analysis/per sample	89
3311	3511	FTIR Sample Preparation/per sample	67
3311	3513	Microscopic Examination/Solubility/per sample	33
3311	3514	Gas Chromatography/Mass Spectrometry/per sample	135
3311	3516	Gas Chromatograph/Mass Spectrometry Sample Preparation	54
3311	3521	Gunshot Residue Kit	6
3311	3522	SEM/EDX Analysis of Special Materials/per hour	110
3311	3523	Sodium Rhodizonate/Griess Test for GSR	76
3311	3524	Microscopic Search for GSR (Clothing)	41
3311	3526	Range Determination by Test Firing	67
3311	3530	Paint/Fiber/Polymer Analysis by Pyrolysis GC/MS	89
3311	3531	Refractive Index	67
3311	3533	Microchemical Testing	54
3311	3536	Microscopic Examination of Trace Evidence/per hour	67
3311	3537	Bloodstain Pattern Analysis/per hour	67
3311	3538	Microscopic Slide Preparation/per slide	17
3311	3540	SEM/EDX - Analysis of GSR Stubs/set (2) stubs	408
3311	3542	Hair Preparation for DNA Testing/per hair	67

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**Southwestern Institute of Forensic Sciences****Physical Evidence Laboratories Service Fees
Forensic Biology Laboratory**

Code		Service Description	Fee
3311	3602	DNA Standard Collection/per item	50
3311	3603	Biological Evidence Storage/per sample	44
3311	3605	Species Determination/per sample	53
3311	3606	Presumptive Semen Test/per sample	62
3311	3608	Spermatozoa Search/per slide	53
3311	3609	Confirmatory Semen Test (P30)/per sample	88
3311	3610	Sexual Assault Kit	29
3311	3611	Exam of Female Sexual Assault Patient	353
3311	3612	Partial Exam of Female Sexual Assault Patient	36
3311	3613	Exam of Male Sexual Assault Patient	75
3311	3614	CODIS System, Search/Entry/per profile	35
3311	3615	DNA Extraction & Typing by STR - 9 Loci/per sample	347
3311	3616	DNA Extraction & Typing by STR - 13 Loci/per sample	446
3311	3617	Mitochondrial DNA Typing, Hair/Bone, Per Sample	1,662
3311	3618	Mitochondrial DNA Typing, Blood, Per Sample	1,022
3311	3630	Presumptive Blood Test/per sample	62
3311	3631	Alternate Light Source Search - Small Item/per item	62
3311	3632	Alternate Light Source Search - Large Item/per item	88
3311	3633	DNA Standard Kit Processing/per item	24
3311	3634	Blood Evidence Search - Clothing or Small Item/per item	88
3311	3635	Blood Evidence Search - Bedding or Large Item/per item	220
3311	3636	Biological Evidence Removal/per sample	8
3311	3637	Spermatozoa Slide Preparation/per slide	24
3311	3638	Semen Evidence Search - Clothing or Small Item/per item	88
3311	3639	Semen Evidence Search - Bedding or Large Item/per item	220
3311	3640	Sexual Assault Kit - Basic Processing	44
3311	3641	Semen DNA Extraction & Typing by STR - 9 Loci/per sample	413
3311	3642	Semen DNA Extraction & Typing by STR - 13 Loci/per sample	517
3311	3643	DNA Extraction for STR/per sample	244
3311	3644	DNA Typing by STR - 4 Loci/per sample	80
3311	3645	Examination of Hair Combing for Foreign Material/per item	24
3311	3646	Presumptive Saliva Test/per sample	50
3311	3647	Saliva Evidence Search - Clothing or Small Item/per item	88
3311	3648	Saliva Evidence Search - Bedding or Large Item/per item	220
3311	3649	Confirmatory Blood Test/per sample	44
3311	3650	Bloodstain Pattern Evaluation/per item	24
3311	3651	Trace Evidence Collection/per item	44
3311	3652	Sample Prep (Transfer to external agency)/per sample	44
3311	3653	Blood Standard Processing/per sample	33
3311	3654	Database STR Profiling/Property Crime - 9 loci/per sample	244
3311	3655	Database STR Profiling/Property Crime - 13 loci/per sample	265
3311	3656	Y-STR Profiling/per sample	347

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